

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

TRINITY TANK CAR, INC., a Delaware Corporation, TRINITYRAIL MAINTENANCE SERVICES, INC., a Delaware corporation, and TRINITY INDUSTRIES LEASING COMPANY, a Delaware corporation,

Plaintiff,

v.

DAVIS-FROST, INC.,

Defendant.

Civil Action No. 6:22-cv-22-NKM-RSB

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DAVIS-FROST, INC.,

Third-Party Plaintiff,

v.

BRENNTAG SPECIALTIES, INC.;  
BRENNTAG SPECIALTIES, LLC; and  
BRENNTAG NORTH AMERICA, INC.

Third-Party Defendants.

**CONSENT MOTION FOR EXTENSION OF TIME FOR THIRD-PARTY  
DEFENDANTS TO FILE RESPONSE TO THIRD-PARTY COMPLAINT**

PLEASE TAKE NOTICE that third-party defendants, BRENNTAG SPECIALTIES, INC., now known as BRENNTAG SPECIALTIES LLC and BRENNTAG NORTH AMERICA, INC. (collectively, “Brenntag”), through their respective counsel and pursuant to Fed. R. Civ. P.

6(b), hereby submits this Consent Motion for Extension of Time for Third-Party Defendants to File Response to Third-Party Complaint (the “Motion”), as follows:

1. Brenntag requests a brief two-week extension to its deadline to answer, move, or otherwise respond to third-party plaintiff DAVIS-FROST, INC.’s (“Frost”) Third-Party Complaint Against Brenntag filed on or about June 29, 2022 (“Complaint”). Brenntag’s deadline to respond to the Complaint is currently July 22, 2022. Brenntag requests that this deadline be extended to August 5, 2022.

2. Brenntag has not previously sought an extension of time in this case.

3. Frost consents to the requested two-week extension.

4. The Complaint raises ten claims based on various causes of action that are based on Brenntag’s alleged sales of a product “on at least ten separate occasions” to Davis-Frost over the course of a year.

5. The ends of justice would be served by granting Brenntag’s Motion because no prejudice would result from an extension of only two weeks, and because allowing Brenntag sufficient time to prepare its responsive pleadings will likely help to clarify the issues actually in dispute in this litigation, increasing judicial economy.

WHEREFORE, Brenntag prays that its Motion for Extension of Time for Third-Party Defendants to File Responsive Pleading to Third-Party Complaint be granted, and that its deadline to file a responsive pleading to Frost’s Complaint be extended to August 5, 2022, and for all other such relief as the Court deems just and proper.

**[SIGNATURE PAGE FOLLOWS]**

Respectfully Submitted,

**BRENNTAG SPECIALTIES, INC.;**  
**BRENNTAG SPECIALTIES, LLC; and**  
**BRENNTAG NORTH AMERICA, INC.**

By: /s/ Mark J. Peake

Mark J. Peake, Bar No.29588

CASKIE FROST

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*Attorneys for Third-Party Defendants*  
BRENNTAG SPECIALTIES, LLC and  
BRENNTAG NORTH AMERICA, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on 07/12/2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will generate of Notice of Electronic Filing (NEF) effecting service on all counsel of record

By: /s/ Mark J. Peake  
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